



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**June 28, 2004**

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**SUBJECT:** **2004-0300 - Mark Anderson** [Applicant] **John Heine**  
**Trustee** [Owner]: Application for related proposals on a  
8,320 square foot site located at **529 South Murphy Avenue**  
in an R-2/O (Low-Medium Density Residential/Office)  
Zoning District (APN: 209-30-004);

Introduction of **Rezone** from R-2/O (Low Medium Density  
an Ordinance Residential/Office) Zoning District to R-2/O/PD (Low-  
Medium Density Residential/Office/Planned Development)  
Zoning District;

Motion **Special Development Permit** to allow the remodel of an  
existing 2,185 square-foot two-story house and the  
construction of a new 1,758 square-foot two-story house,  
and

Motion **Tentative Map** to subdivide one lot into two lots.

**REPORT IN BRIEF**

**Existing Site** Heritage Resource, Two-Story Single-Family Home  
**Conditions**

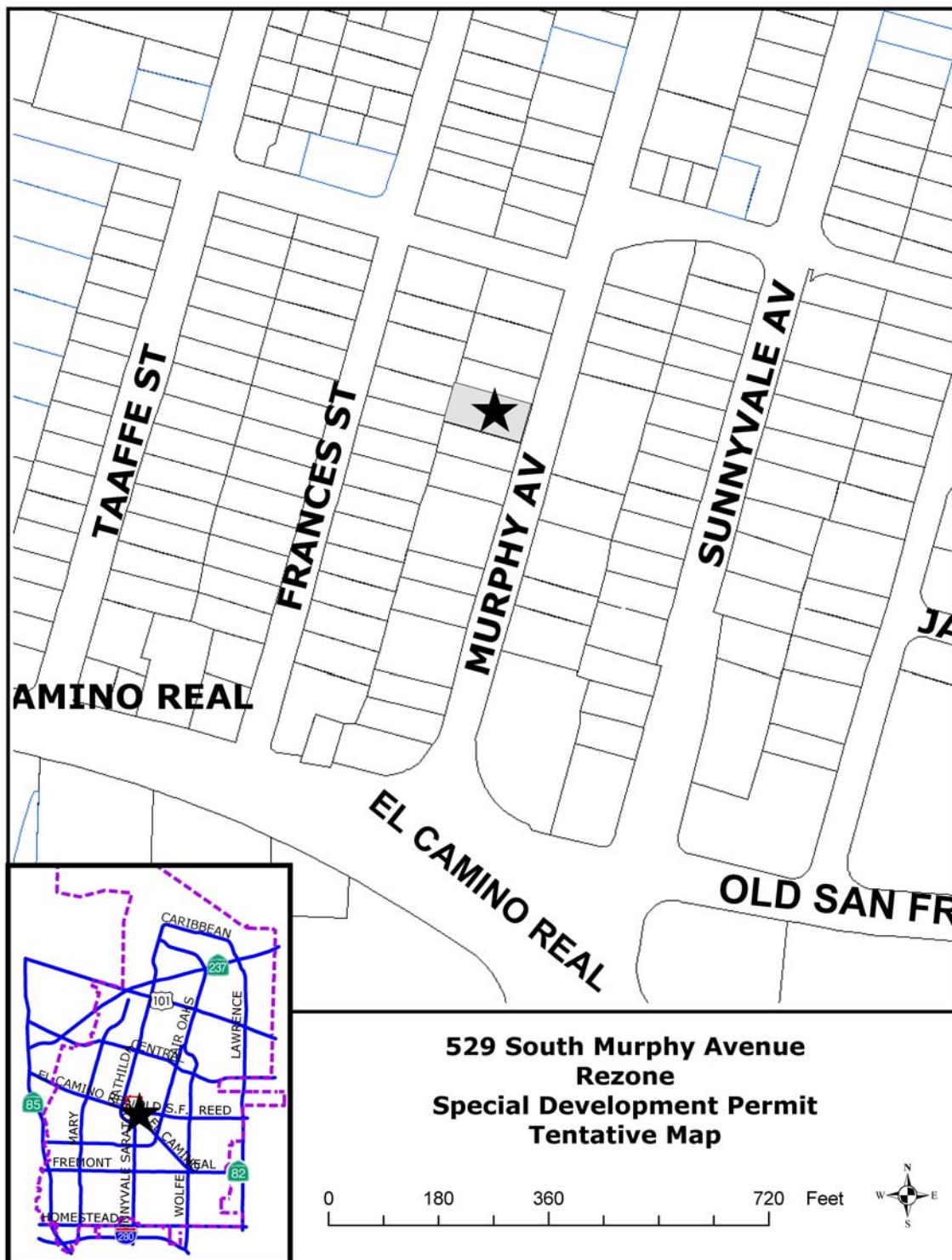
**Surrounding Land Uses**

North	Single Family Homes, Duplexes, Offices
South	Duplexes and Commercial Uses
East	Mixed Commercial Uses
West	Single-Family Homes

**Issues** Use and Architectural Compatibility  
Parking Configuration

**Environmental** A Negative Declaration has been prepared in  
**Status** compliance with California Environmental Quality  
Act provisions and City Guidelines.

**Staff** Approve with Conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED / PERMITTED</u></b>
<b>General Plan</b>	Office	Same	N/A
<b>Zoning District</b>	R-2/O	R-2/O/PD	N/A
★ <b>Lot Size (s.f.)</b>	8,320	Lot 1 (front): 3,949 Lot 2 (rear): 4,371	8,000 min.
<b>Gross Floor Area (s.f.)</b>	2,916	Existing Unit (front): 2,185 New Unit (rear): 1,758	N/A
<b>Lot Coverage (%)</b>	27%	Lot 1: 37% Lot 2: 31%	40% max.
<b>Floor Area Ratio (FAR)</b>	35%	Lot 1: 55% Lot 2: 40%	Greater than 55% requires Planning Commission Review
<b>No. of Units</b>	1	2	2 max.
<b>Density (units/acre)</b>	5.3	10.5	12 max.
<b>Meets 75% min?</b>	No	Yes (88%)	Housing Policy
<b>Bedrooms/Unit</b>	Existing Unit: 2	Existing Unit: 2 New Unit: 3	N/A
★ <b>Distance Between Buildings</b>	N/A	19'	20' min.
<b>Building Height (ft.)</b>	Existing Unit: 20'	Existing Unit: 20' New Unit: 23'-6"	30' max.
<b>No. of Stories</b>	2	Both Units: 2	2 max.

Setbacks (facing prop.)				
★	• Front	14'-4" (both stories)	Lot 1: 14'-4" (both stories)  Lot 2: First story: 4' Second story: 7'	First story: 20' min.  Second story: 25' min.
★	• Left Side	19' (both stories)	Lot 1: 5' (both stories)  Lot 2: First story: 7'-8" Second story: 10'	First story: 4' min., 12' total  Second story: 7' min., 18' total
★	• Right Side	First story: 4'-4" Second story: 14'	Lot 1: First story: 4'-4" Second story: 14'  Lot 2: First story: 4' Second story: 7'	First story: 4' min., 12' total  Second story: 7' min., 18' total
★	• Rear	First story: 42' Second story: 65'	Lot 1: 14'-9" (both stories)  Lot 2: First story: 10' Second story: 20'	First story: 10' min.  Second story: 20' min.
Landscaping (sq. ft.)				
	• Total Landscaping	2,314	Lot 1: 1,654 Lot 2: 1,466	850 s.f. min.
	• Usable Open Space/Unit	2,860	Lot 1: 655 Lot 2: 502	500 s.f. min.

<b>Parking</b>			
• <b>Total No. of Spaces</b>	2 (uncovered)	Lot 1: 2 Lot 2: 4	4 min./unit
• <b>No. of Covered Spaces</b>	0	Lot 1: 1 Lot 2: 2	2 min./unit
• <b>Driveway Aisle Width (ft.)</b>	10'	Lot 1: 10' Lot 2: 10'	10' min.

★ Starred and shaded items are deviations from Zoning Code.

### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2002-0458	Variance to allow a reduced landscape buffer, reduced stall widths and a second driveway.	City Council/ Approved on Appeal	10/15/02
2002-0388	Use Permit to allow acupuncture office with residential use.	City Council/ Approved on Appeal	8/16/02
1977-0313	Use Permit to allow a 600 s.f. one-story addition to an existing two-story house for use as an upholstery workshop.	Planning Commission/ Approved	10/18/77

### **Description of Proposed Project**

The applicant is proposing a Rezone from R-2/O to R-2/O/PD, subdivision of one lot into two, construction of a new 1,758 sq. ft. two-story single family home, and exterior remodel of an existing two-story heritage resource house to restore it to its original appearance. The subdivision would create one front lot of 3,931 sq. ft. and one rear, flag-shaped lot of 4,324 sq. ft. The new house would be located on the rear lot (see tentative map and site plan in Attachment

4). The one-car garage and driveway of the existing house would be restored to provide two parking spaces for that unit. The new house would have a two-car garage and two partially covered parking spaces for a total of four parking spaces.

*This proposal is a revision to a proposal presented at the May 24, 2004 Planning Commission hearing. The applicant originally proposed a new 2,014 square foot two-story house on a 4,341 square foot lot with a parking configuration that made garage access difficult. In response to the Planning Commission's request to redesign the site to improve garage access to the new house, the applicant has slightly increased the rear lot size to 4,371 square feet, reduced the gross floor area of the new house to 1,785 square feet (including the garage), and reconfigured the parking. With this new proposal, parked cars would not be visible from the street.*

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

### **Rezoning**

**Change Under Consideration:** Rezone the site from R-2/O (Low-Medium Density Residential/Office) to R-2/O/PD (Low-Medium Density Residential/Office/Planned Development).

**Discussion:** The R-2/O Zoning District allows residential and office uses by Use Permit. The Planned Development (PD) Combining District allows for special consideration of any modifications, additions or limitations to the project. In this case, the PD Combining District would allow the applicant to subdivide one lot into two lots that are less than the minimum 8,000 sq. ft. required and setbacks that are less than those required in the R-2 Zoning District. At 10.5 d.u./acre, the proposed use meets the Residential Low-Medium Density General Plan Designation, allowing up to 12 d.u./acre without a density bonus (1 d.u./3600 sq. ft.).

### **Special Development Permit**

**Use:** The Special Development Permit would allow construction of a new 3-bedroom, two-story house on a newly created rear lot of the site.

**Site Layout:** The subdivision would result in two lots, one of which is flag-shaped to allow separate driveway access to the new rear unit. Front and right setbacks of the existing house are legal nonconforming. The proposed

subdivision would result in the following nonconforming setbacks for the existing house (also see **Compliance with Development Standards** section of this report):

- First-story total side yard setback
- Second-story left side yard setback
- Second-story rear yard setback

The new house would have the following nonconforming setbacks:

- First and second-story front yard setbacks
- First and second-story total side yard setbacks

Deviations for the nonconforming setbacks are being requested as part of the Special Development Permit.

A solar study was completed for the site to identify potential issues with shading of adjacent properties resulting from construction of the new two-story house. The new house would not shade adjacent properties; however, window placement on the rear elevation may impact the privacy of the residents on adjacent rear properties. Bathroom and bedroom windows on the second floor of the rear elevation may allow visibility into the windows of rear adjacent residences. Staff is recommending Condition of Approval #7 requiring review of window placement on the rear to minimize privacy impacts. Window placement on the left and right elevations would not impact the privacy of neighbors to the left and right. There may be privacy issues between the two houses on the site as the front and right elevations of the new house and the rear elevation of the existing house are in close proximity to each other (the rear wall of the existing house and the front wall of the new house would be 19 ft. from each other).

There are currently two driveways, one each on the left and right sides of the site. The right side driveway is not in use, but would be restored to provide access and parking for the existing house. The left side driveway is currently in use. The proposed lot lines on the tentative map were designed with a flag shape to dedicate the left side driveway to provide access and parking for the new house. The new house would have a two-car garage, and two partially covered parking spaces are proposed in front of the garage.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<p><i>Single Family Home Design Techniques</i>  <b>3.1 NEIGHBORHOOD PATTERNS</b>  <i>Respect neighborhood home orientation and setback patterns.</i></p>	<p>The orientation of the new home is unusual in the neighborhood; however, other sites with a similar configuration exist on other R-2 zoned properties in the City. The setbacks proposed for the new home will blend in the neighborhood.</p>
<p><i>Single Family Home Design Techniques</i>  <b>3.4 SECOND FLOORS</b>  <i>Design second floors to complement first floor forms and minimize their visual impact.</i></p>	<p>The proposed design of the second floor is set back from the first floor 3 ft. on the front elevation, 2'-4" on the left elevation, 3' on the right elevation, and 9'-6" on the rear elevation, which minimizes its visual impact and adds interest. In addition, a portion of the second story functions as a carport extending from the garage, providing additional living space while improving parking on the site.</p>
<p><i>Single Family Home Design Techniques</i>  <b>3.6 PRIVACY AND SOLAR ACCESS</b>  <i>Design homes to respect the privacy and sun access of neighbors.</i>  <i>C. Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes. When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.</i></p>	<p>Privacy issues may exist due to second-floor window placement on the rear elevation. Staff is recommending Condition of Approval #7 to address potential privacy concerns.</p>

**Architecture:** The existing heritage resource house has a mix of Spanish-colonial and Edwardian elements (see site photos in Attachment 5). The applicant is proposing mixed architecture with Spanish-colonial elements for the new house to complement the existing house. Unique design elements of the new house include an arched front entry with pillars, arched doors and windows, a window balcony and a one-story "tower" at the entry way that nearly matches the height of the second story.

The following Guidelines were considered in the analysis of the project architecture.



Design Policy or Guideline (Architecture)	Comments
<i>Single Family Home Design Techniques</i> <i>3.7 Materials</i> <i>Use materials that are compatible with the neighborhood.</i>	The neighborhood has an architecturally eclectic mix of historic houses. The proposed design and materials of the new house would be compatible with the existing house and with the character of the neighborhood.
<i>Single Family Home Design Techniques</i> <i>3.9 Decorative Elements</i> <i>Include decorative elements in the design.</i>	The proposed architecture includes a number of design elements that add interest such as a window balcony and arched doors and windows.

**Landscaping:** The R-2 Zoning District requires 850 sq. ft./unit of landscaping and 500 sq. ft./unit of usable open space. The proposed landscaping and usable open space for both lots exceed the minimum required (see the Project Data Table). The location of the usable open space for the existing house is located in the rear yard and the usable open space for the new house would be located in the right side and rear yards. The applicant is proposing installation of a fence along the shared property line to provide division and privacy between the two lots. Tile pavers are proposed for the usable open space area of the rear lot; however, to mitigate pollution from storm water runoff on the site, staff is recommending Conditions of Approval # 12a. and 12b. requiring that at least 50% of the open space area be landscaped with vegetation and that any paved areas on both lots make use of pervious paving materials.

**Trees:** Staff is recommending protection of the California Pepper tree and the Loquat tree located on the project site (see Condition of Approval #13). In addition, Condition of Approval #14 requires that the existing street tree be replaced with a *Tristania Laurina* at the recommendation of Public Works staff. No large trees will be removed due to construction.

**Parking:** SMC Section 19.46 requires a total of four parking spaces (two covered and two uncovered) for each single family home. Once restored, the existing house would have a one-car garage and one parking space on the driveway in front of the garage. Because no expansion is proposed for the existing house, the proposed parking is legal nonconforming. Currently, there are two uncovered parking spaces in the rear that serve the existing house. These spaces would be removed for construction of the new home.

Parking proposed for the new home meets Zoning Code requirements for the numbers of spaces and stall sizes. In response to Planning Commission comments at the May 24, 2004 public hearing, the parking configuration has

been modified from two uncovered spaces placed at an angle to one another in front of the garage, which was visible from the street, to two parallel partially covered (by the second floor extension) spaces in front of the garage, which would be on the right side of the house and not visible from the street. Staff finds that the newly proposed parking configuration improves both parking access and visual appeal of the site from the street.

**Storm Water Management:** This project is not subject to the storm water management requirements set forth in SMC Section 12.60.

**Easements/Undergrounding:** Condition of Approval # 9 requires underground utility connections.

### **Tentative Map**

**General:** The proposed Tentative Map subdivides the subject lot into two lots (see tentative map in Attachment 4). The lot sizes proposed are 3,931 sq. ft. and 4,324 sq. ft. The minimum required lot size in an R-2 Zoning District is 8,000 square feet. The lot sizes proposed would be included as a deviation as part of the Special Development Permit. The subdivision would create a flag-shaped lot, which is generally considered undesirable due to potential neighbor conflicts; however, several other flag-shaped lots have been approved elsewhere in the city, so the proposed project is not unique.

**Access:** As previously noted, there are currently two driveways serving the site. The right side driveway would be restored to provide parking access for the existing house, and the left side driveway would provide parking access for the new house.

**Right of Way:** Public Works Engineering is requiring a 30-foot street dedication along Murphy Avenue to clarify and reflect the street right-of-way locations.

### **Transportation Impact Fee**

The proposed project is subject to a transportation impact fee per SMC Section 3.50 (Condition of Approval #8).

### **Compliance with Development Standards**

The applicant is requesting the following deviations from the Code. Staff is recommending approval of all requested deviations.

Item	Deviation Requested	Proposed	Required	Staff Recommendation
1	Lot size	<u>Lot 1:</u> 3,931 s.f. <u>Lot 2:</u> 4,324 s.f.	8,000 s.f. min.	<u>Approval:</u> Similar lot sizes and configurations can be found on other sites in Sunnyvale. The proposed subdivision and lot configurations are necessary to provide ownership opportunity for a new single-family home on the site.
2	Lot width	<u>Lot 1:</u> 49.8 ft. <u>Lot 2:</u> 13.7 ft.	76 ft. min.	<u>Approval:</u> The proposed subdivision and lot configurations are necessary to support construction of a new two-story single-family home on the site.
3	Distance between buildings	19 ft. min.	20 ft. min.	<u>Approval:</u> The proposed site design provides the optimal layout for parking and usable space, both of which necessitate reduced distance between the two homes. Given these circumstances, staff finds that this deviation is not significant.
4	Setbacks: a. Front  b. Left	<u>Lot 2:</u> (measured from widest point of lot)  First story: 4' Second story: 7'  <u>Lot 1:</u> (measured from widest point of lot)  First story: 9'-4" total Second story: 5'  <u>Lot 2:</u> First story: 11'-8" total Second story: 17' total	First story: 20' min. Second story: 25' min.  First story: 4' min., 12' total Second story: 7' min., 18' total	<u>Approval:</u> Staff supports the proposed setbacks because they would not significantly impact the usability or appearance of the site, nor would they have a significant negative impact on neighboring properties.

	c. Rear	<u>Lot 1:</u> Second story: 14'-9"	First story: 10' min. Second story: 20' min.	
5	Rear lot encroachment into required rear yard area	<u>Lot 1:</u> 26.4%	Not to exceed 25% of required rear yard area	<u>Approval:</u> Staff supports the proposed encroachment because it would not significantly impact the usability or appearance of the site, nor would it have a significant negative impact on neighboring properties.

### **Expected Impact on the Surroundings**

The expected impact on the surroundings is visual, and there are both positive and negative aspects. The proposed architectural design of the new house is visually pleasing and is complementary to the existing house; however, the placement of a 1,758 sq. ft. house in the rear yard of an existing single family house raises concerns with the bulk and scale of the buildings on the site.

Staff has weighed the impact of the bulk and scale of the proposed project with the restoration of the existing house and the appealing design of the proposed new house, and has determined that the project will improve the site and enhance the visual appearance of the neighborhood.

### **Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to 85 property owners and tenants within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

As noted in the **Description of Proposed Project** section of this report, this project was continued from the May 24, 2004 Planning Commission hearing so that the site could be modified to respond to concerns with parking on the rear lot.

One neighbor visited City Hall to review the newly proposed plans, and requested that trees in the rear of the property remain to provide privacy to adjacent lots. Conditions of Approval #13 and 14 address tree protection on the site.

**Alternatives**

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1. Adopt the Negative Declaration and introduce an Ordinance to Rezone 529 South Murphy Avenue from R-2/O to R-2/O/PD and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Negative Declaration and introduce an Ordinance to Rezone 529 South Murphy Avenue from R-2/O to R-2/O/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone 529 South Murphy Avenue and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Alternative 1.

Prepared by:

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Christine Cannizzo  
Project Planner

Reviewed by:

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Fred Bell  
Principal Planner

Reviewed by:

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Trudi Ryan  
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration
4. Tentative Map, Site and Architectural Plans
5. Site Photos
6. Draft Rezoning Ordinance
7. Approved Planning Commission Hearing Minutes of  
May 24, 2004

## **Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

### **Heritage Preservation Sub-element**

**6.3b:** *Maintain and enhance significant landmarks as living elements of the city for its physical enrichment.*

The proposed project would restore a heritage resource house to its original historic design and renew its exterior appearance.

### **Housing and Community Revitalization Sub-element**

**A.4.a:** *The City shall require all new developments to build at least 75% of permitted density.*

The project meets this requirement with two units.

### **Land Use and Transportation Element**

**C2.2:** *Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.*

The proposed project will create an additional ownership unit.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The proposed use would have no foreseeable significant impact on surrounding properties.

### **Recommended Findings - Tentative Map**

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The proposed Tentative Map, together with the provisions for site design and improvement, is consistent with the objectives, policies, general land uses, and programs specified in the General Plan.

The Planning Commission shall deny the Tentative Map if it makes any of the following findings:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff could not make any of the above findings.



**Recommended Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of the building permit.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development.
6. Specific Deviations allowed with this Special Development Permit are as follows:
  - a. Lot sizes of 3,931 sq.ft. and 4,324 sq. ft. where 8,000 sq.ft. minimum is required.
  - b. Lot widths of 49.8 ft. and 13.7 ft. where a minimum of 76 ft. is required.
  - c. Distance between buildings of 19 ft. where 20 ft. is required.
  - d. Front lot total first-story side yard setback of 9'-4" where 12 ft. total is required.
  - e. Front lot left side yard second-story setback of 5 ft. where 7 ft. minimum is required.
  - f. Front lot rear yard second-story setback of 14'-9" where 20 ft. minimum is required.
  - g. Rear lot first-story front yard setback of 4 ft. where 20 ft. minimum is required.
  - h. Rear lot second-story front yard setback of 7 ft. where 25 ft. minimum is required.

- i. Rear lot total first-story side yard setback of 11'-8" where 12 ft. is required.
  - j. Rear lot total second-story side yard setback of 17 ft. where 18 ft. is required.
- 7. Prior to issuance of a building permit, size and placement of windows on the rear elevation of the new house shall be reviewed and approved by the Director of Community Development.
  - 8. Comply with the transportation impact fee requirements of SMC Section 3.50.

### **Utilities**

- 9. Existing and proposed on-site and street frontage electrical, telephone and cable television services shall be undergrounded to the nearest off-site pole.

### **Building Design**

- 10. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a building permit.
- 11. Roofing materials (50 year roof minimum) and colors shall be approved by the Director of Community Development prior to issuance of the building permit.

### **Landscaping and Site Plans**

- 12. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a building permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
  - a. A minimum of 50% of the usable open space on the rear lot shall be landscaped with vegetation.
  - b. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
  - c. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that

- are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- d. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
  - e. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - f. All areas not required for parking, driveways or structures shall be landscaped.
13. Submit a tree preservation plan for the California Pepper and the Loquat trees on the rear lot prior to issuance of a building permit for review and approval by the Director of Community Development. The plan shall account for potential grade changes and pruning to accommodate new construction and modification of building foundation as needed to protect tree roots.
14. Replace the street tree with a *Tristania Laurina*.
15. Fence design and colors shall be approved by the Director of Community Development prior to issuance of the building permit.

**Parking/Access**

16. Unenclosed storage of any vehicle longer than 18 feet intended for recreation purposes shall be prohibited on the premises.
17. No parking shall be permitted between the two driveways. The curb section between the two driveways shall be painted red.
18. Remove the old curb, gutter, sidewalk, and driveway apron and install a new curb, gutter, sidewalk and two driveway aprons.
19. Remove tree stumps in the right-of-way.
20. Maintain the 10 ft. vision triangles at both driveway locations.

## **Conditions of Approval - Tentative Map**

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### **A. Planning Division**

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$6,738.19 shall be paid in accordance with SMC 18.10.

### **B. Building Safety Division**

1. Obtain Grading Permits as required (SMC 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap all irrigation systems in accordance with Building Safety regulations.

### **C. Public Works**

1. This project is subject to, and contingent upon, the recordation of a Parcel Map. Said Parcel Map shall have adequate reservations of public and/or private utility, ingress/egress easements and/or abandonment of existing easements to the satisfaction of the Public Works Director. The Parcel Map shall be recorded prior to any permit issuance.
2. The developer shall execute a Subdivision Agreement and post surety bond(s) in a form acceptable to the City and/or cash deposit(s),

guaranteeing completion for all proposed public improvements, prior to Map recordation.

3. The developer shall pay all Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
4. A 30-foot street dedication is required along Murphy Avenue.
5. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site caused by the development.
6. The submittal, approval, and recordation of a subdivision map shall be in accordance with the provisions of the State Subdivision Map Act and the City's subdivision ordinance (Title 18).
7. Install all public improvements (curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic control signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works.
8. All public improvements shall be per City standards unless otherwise approved by the Director of Public Works.
9. Any existing deficient public improvements, including but not limited to the realignment of the curb and gutter and sidewalk shall be upgraded to the satisfaction of the Director of Public Works.
10. This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
11. The developer/owner is responsible for research on private utility lines (PG& E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
12. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
13. All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior

to the issuance of any permits for utility work within public right-of-way or public utility easements.

14. All lots shall be served by utilities, allowing each lot to function separately from one another.
15. Individual water services and meters shall be provided to each lot.
16. All City utilities shall be installed outside any driveway approaches.
17. A hydrology/hydraulics analysis is required during the plan check process and the storm water discharged into the City system shall be to the satisfaction of the Public Works Director prior to issuance of any permits.
18. Each lot shall drain to the street or other approved drainage facility. Cross lot drainage shall be minimized.
19. Adequate drainage/erosion control shall be provided at all times during the construction.
20. Any landscaping proposed within a public utility easement is subject to approval by the Director of Public Works and Director of Community Development.
21. All landscape and irrigation systems, located in the park strip areas shall be connected to the water system metered to the property owner.
22. An "Occupancy Permit" shall be required for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way, to the satisfaction of the Director of Public Works and the Director of Community Development.
23. Obtain an encroachment permit for all public improvements.
24. Comply with insurance requirements prior to commencing work in the public right-of-way.
25. Public improvement plans shall be shall be prepared on 24"x36", 4 mil mylars and submitted as a complete package. A complete package includes street, sewer, water, drainage, off-site landscaping and any appropriate reports and back up documents. Incomplete submittals shall be rejected.

26. Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted prior to occupancy release.

**D. Fire Prevention**

1. Provide a fully automatic fire sprinkler system in accordance with NFPA 13D (SMC 16.52.250).
2. Install approved smoke detectors in accordance with SMC Section 16.52.280.

**E. Other Public Agencies**

1. Pay School Tax fees prior to issuance of a building permit.